

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.16543 of 2015

Ganesan

... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of
Police, Erode District.

2. The Inspector of Police,
Ammappettai Police Station,
Erode District.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to transfer the investigation to some other independent
investigation agency from the file of the second respondent.

For Petitioner : Mr.A.Gokulakrishnan

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed
by the petitioner to transfer the investigation in Crime No.56
of 2015 pending on the file of the second respondent police to
some other independent investigation agency.

2. It is the case of the petitioner that one Dhurairaj
had purchased the neighbouring land of the petitioner and
pressurized the petitioner to sell his agricultural land to him,
for which the petitioner refused to do so. Hence, the said
Dhurairaj along with goondas entered into the property of the
petitioner on 8.3.2015 at around 4.00 p.m. and assaulted the
petitioner and his mother brutally with iron rods and wooden
legs, due to which the petitioner got severe head injury.
Later, he was admitted in the Government Hospital at Erode and
took treatment as inpatient. Thereafter, based on the complaint
given by the petitioner, a case was registered on 9.3.2015 by
the second respondent police in Crime No.56 of 2015 for the

offence punishable under Sections 147, 148, 341, 294(b), 427, 324 and 506(ii) I.P.C. In order to prove his case, the petitioner produced sufficient materials such as videograph and photograph. Despite the same, the second respondent police has not taken any action. Hence, the petitioner has come up with the present petition to transfer the investigation in Crime No.56 of 2015 pending on the file of the second respondent police to some other independent investigation agency.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the investigation in Crime No.56 of 2016 was already completed by the respondent police and the same was referred as 'mistake of fact'. He has further submitted that in this regard RCS notice was also served on the petitioner on 22.9.2015 itself.

4. Learned counsel appearing for the petitioner submitted that in fact the petitioner has also produced the discharge summary to prove his case. But, without considering the same, the respondent police has closed the matter as 'mistake of fact'.

5. Irrespective of the submissions made on either side, I am of the view, since the investigation in Crime No.56 of 2015 was already completed and referred charge sheet was filed, nothing survives in this petition. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to seek alternative remedy in the manner known to law, if he is so advised.

sbi

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of
Police, Erode District.
2. The Inspector of Police,
Ammapettai Police Station,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Gopalakrishnan, Advocate SR 65235

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